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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/368,828 08/05/99 MASHINSKY

A 9118-037

EXAMINER

020583 TM02/0301
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

TIEU, B

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

03/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/368,828

Applicant(s)
MASHINSKY et al.

Examiner
Binh K. Tieu

Group Art Unit
2643



☒ Responsive to communication(s) filed on Jan 8, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-74 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) 1-27 and 38-73 is/are allowed.

☒ Claim(s) 28-37 and 74 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 28-37 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Pat.#: 5,794,207).

Regarding claim 28, Walker teaches a goods and/or service sale system as shown in figure 1, comprising:

- a plurality of sellers (i.e., seller interfaces 300);
- a plurality of buyers (i.e., buyer interfaces 400);
- a secure network site for inputting sell and purchase orders from the sellers and buyers, respectively, for goods and/or services (i.e., conditional purchase offer (CPO) are inputted by buyers and sells are inputted by sellers, col.17, line 48 - col.29; also note that seller database contains sellers' information such as type of services provided by sellers, such information are provided by the sellers when they registered, col.13, lines 10-22);

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for each sell order, means for verifying the seller's goods or service parameters (col.19, lines 29-45);

a database for storing sell and purchase orders (i.e., purchase confirmation databases 270 and 275, col.13, lines 40-49); and

means for identifying a seller's service or goods that automatically satisfied a buyer's service purchase order (i.e., central controller 200 receives a seller response among the plurality of sellers. It should be understood that the central controller 20 identifies a seller providing seller response, based on extracted seller's ID, and automatically binding the seller response to one of the plurality of received CPOs that satisfies a buyer's service purchase order, col.19, lines 30-45).

It should be noticed that Walker teaches the method of trading goods and/or services including Airline tickets, Hotel services, Car Insurance services, etc. as stated above. Walker fails to teach such method of trading in a telecommunications environment. However, it should be noticed that Walker teaches bids and their negotiations are transmitted via any type of communications means such as fax, telephone, Internet, E-mail, etc. It is well-known by those skilled in the art to realize that competitive telecommunications services are provided by different telecommunications service providers with different offering rates that allowed caller to select the best service provider to route his or her call. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of method of trading goods and services into telecommunication services environment, into view of

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Walker, in order to provide benefit of telecommunication service users on offered telecommunication services.

Regarding claim 29, Walker further teaches the limitations of the claim in the figure 1, central controller 200.

Regarding claims 30 and 31, Walker further teaches the limitations of the claims in col.23, lines 20-25.

Regarding claims 32 and 33, Walker further teaches the limitations of the claims in col.19, lines 29-37 that the seller is an airline which is not a telecommunications carrier .

Regarding claim 34, Walker further teaches that when the CPO is received from the user as requested, if the available credit on the buyer's credit card is sufficient, the CPO is approved and a unique tracking number is added to the CPO, col.17, lines 27-51; col.28, lines 5-8. Otherwise, the CPO is rejected and returned to the buyer.

Regarding claims 35-36, Walker further teaches the limitations of the claims in col.16, lines 46-51.

Regarding claims 37 and 74, Walker et al. ("Walker") teaches a method of trading goods or services, comprising:

receiving by a server node (i.e., central controller 200 as shown in figure 1) a plurality of service offers (i.e., hotel accommodations, car insurance, reward for return, etc.) and service requests, each offer and request being characterized by a plurality of parameters (i.e., five nights lodging, driver with age of 40, etc., col.31, line 10 - col.32, line 32);

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choosing by the server node from among the plurality of parameters a subset of parameters (i.e., tracking all fields in each of conditional purchase offer (CPO) such as status, tracking number, date, time, subject, price, etc., col.13, lines 23-29);

choosing by the server node a value for each parameter of the subset of parameters (i.e., a customer or buyer post the CPO with the selected conditions and terms. Such conditions and terms each is chosen and represented as a value for each parameter input into the fields of the CPO, col.15, line 46 - col.16, line 62);

assigning by the server node, to a single class (i.e., Airline ticket, Hotel Accommodations, Car insurance, etc.,) all service offers and service requests for which the value of each parameter of the subset of parameters corresponds to the chosen value (i.e., the central control 200 receives each of CPOs and determines type of CPO, if it is airline ticket, the CPO is assigned to airline potential sellers, etc., col.18, lines 15-43).

It should be noticed that Walker teaches the method of trading goods and/or services including Airline tickets, Hotel services, Car Insurance services, etc. as stated above. Walker fails to teach such method of trading in a telecommunications environment. However, it should be noticed that Walker teaches bids and their negotiations are transmitted via any type of communications means such as fax, telephone, Internet, E-mail, etc. It is well-known by those skilled in the art to realize that competitive telecommunications services are provided by different telecommunications service providers with different offering rates that allowed caller to select the best service provider to route his or her call. Therefore, it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to incorporate the use of method of trading goods and services into telecommunication services environment, into view of Walker, in order to provide benefit of telecommunication service users on offered telecommunication services.

Allowable Subject Matter

3. Claims 1-27 and 38-73 are allowed.

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4. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to **Group Art Unit 2643**.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Binh K. Tieu** whose telephone number is **(703) 305-3963**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist, tel. No. 703-305-4700).

Patent Examiner

A handwritten signature in black ink, appearing to read 'Binh K. Tieu', with a long horizontal line extending to the right.

BINH K. TIEU

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Date: February 28, 2001